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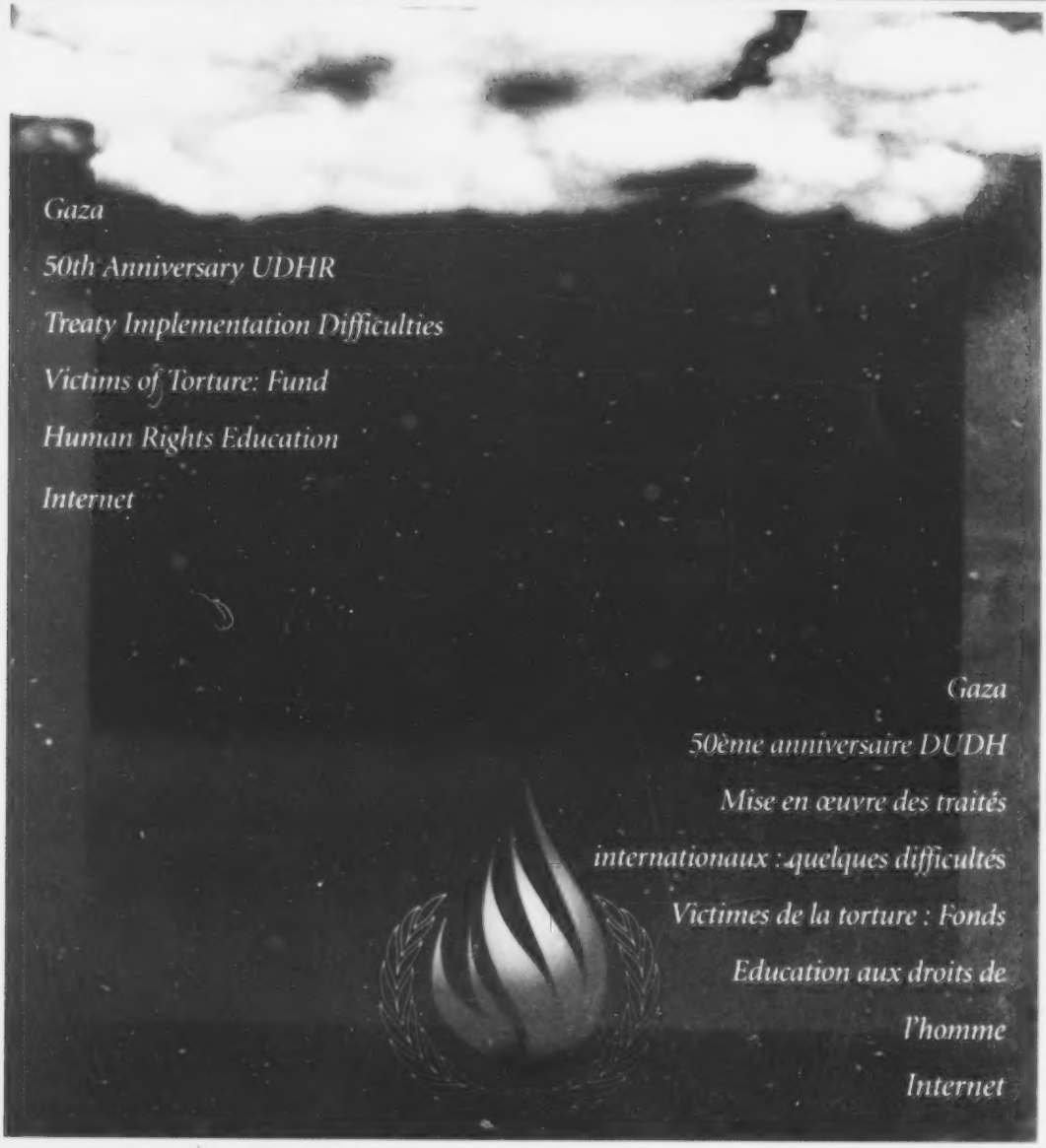

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Gaza
50ème anniversaire DUDH
Mise en œuvre des traités internationaux : quelques difficultés
Victimes de la torture : Fonds
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Internet

N° 1 Hiver 1997/1998

Droits de l'homme

REVUE TRIMESTRIELLE DU HAUT COMMISSARIAT DES NATIONS UNIES AUX DROITS DE L'HOMME

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EDITORIAL

Depuis ma prise de fonction en tant que Haut Commissaire aux droits de l'homme, j'ai insisté sur le caractère essentiel des liens à créer avec tous les secteurs de la société à travers le monde ainsi qu'avec les organisations internationales et les autres intervenants en ce domaine. *Droits de l'homme* constituera l'un de ces liens et contribuera à un effort plus large destiné à diffuser l'information relative aux différentes activités du Haut Commissariat dans le domaine de la promotion et la protection de tous les droits de l'homme dans le monde.

Le moment choisi pour lancer cette revue est particulièrement opportun puisqu'il coïncide, d'une part, avec le début de la célébration du cinquantième anniversaire de la Déclaration universelle des droits de l'homme et, d'autre part, avec l'amorce d'une réflexion en forme de bilan des cinq années qui se sont écoulées depuis la Déclaration et le Programme d'Action de Vienne. Enfin, cette publication sera également une contribution fondamentale à la Décennie pour l'éducation en matière de droits de l'homme.

Les articles, en anglais ou français, écrits par nos collègues de Genève, de New York et de nos bureaux sur le terrain, répartis sur quatre continents, refléteront toute l'étendue de nos préoccupations en matière de droits de l'homme - qu'il s'agisse des droits civils et politiques, des droits économiques, sociaux et culturels, ainsi que du droit au développement. Ils porteront une lumière particulière sur chacun des aspects de nos activités, qu'il s'agisse des organes de traités, des Rapporteurs spéciaux, des bureaux sur le terrain, de la coopération technique ou de la recherche.

Le Haut Commissariat aux droits de l'homme est de taille restreinte, mais je m'emploierai à ce que l'impact de ses travaux surpasse largement celle-ci. Nous pouvons y parvenir en servant de catalyseur à d'autres activités dans le domaine des droits de l'homme - au sein du système des Nations Unies, avec les gouvernements, la société civile et, plus largement, le public. Je forme l'espoir que cette revue soit découverte par de nombreux lecteurs et qu'elle participe à la mise en oeuvre d'une culture globale des droits de l'homme.

From the day I took Office as High Commissioner for Human Rights I have emphasized the importance of building links to all sectors of societies around the world as well as to international organisations and actors. *Human Rights* is one such link, part of a broad effort to communicate the many aspects of my Office's work in the promotion and protection of all human rights worldwide.

This is a timely moment to begin such a publication as we launch the 50th Anniversary of the Universal Declaration of Human Rights and embark on the serious assessment needed for the Five-Year Review of the Vienna Declaration and Programme of Action. It is also a key contribution to the Decade for Human Rights Education.

The articles, in English and French, by colleagues in Geneva, New York and field offices on four continents will reflect the full breadth of our human rights concerns - civil and political, economic, social and cultural and the right to development. They will provide a window into the different aspects of our work including the treaty bodies, the Special Rapporteurs, the field offices, technical cooperation and research.

The Office of the High Commissioner for Human Rights is small but I intend it to have an impact well beyond its size. This can be achieved by being a catalyst for action by others - in the UN system, with governemnts, amongst civil society and individuals. I wish this publication a wide readership and an exciting future as such a catalyst in building a global culture of human rights.

M Tony Robinson

Mary Robinson

High Commissioner
for Human Rights

Realising Human Rights: "Take hold of it boldly and duly..."

High Commissioner's address, Oxford Univeristy

On the morning I left Dublin, just two months ago, to begin my work as UN High Commissioner for Human Rights Seamus Heaney gave me a beautifully bound copy of 'The Golden Bough' inscribed with those encouraging words "Take hold of it boldly and duly..."

It seems fitting to repeat them here at Oxford and to do so as I avail myself of this first opportunity to reflect publicly on my new responsibilities. Until now I have been preoccupied with learning and doing, while recognising that there was insufficient time to step back a little and think. The honour of delivering the Romanes Lecture for 1997 deprived me of any further excuse to postpone thinking.

It is a particular pleasure to return to this University and to follow in the footsteps of your distinguished Chancellor who described himself to me as "last year's man". I would like to borrow from his Romanes Lecture the following reminder:

"Oxford, both as a geographical entity and as one of the great academic communities of the world, is an irreplaceable national (and international) asset, and it is a duty upon us all to handle it carefully as well as imaginatively".

Thank you for placing this asset at my disposal at a very early stage of what I have described as a daunting challenge.

The deep sense of loss felt internationally on the death of Sir Isaiah Berlin reminds us of the true strengths of this academic community. I invoke his name too because he was, as Bernard Crick reminded us, in the words Berlin himself applied to Pasternak, "a soldier in the battle for human freedom".

Human freedom is that precious space secured by standards, laws and procedures which defend, protect and enhance human rights. We are all custodians of those standards. As the Vienna Declaration in 1993 stated "Human rights and fundamental freedoms are the birthright of all human beings". I do not propose to detail here the range of international instruments and mechanisms developed since 1948, but that body of substantive international human rights law is there because domestic protection of vulnerable individuals or groups is either absent or insufficient. Today, news reaches us faster than ever and much of it concerns human rights violations. I chose the title "Realising Human Rights" to put the emphasis on the problem confronting the international community, and for which I now bear some responsibility, of making human rights protection work.

The task is not easy, particularly because the expression "human rights" carries different meanings, resonates differently in various parts of the world, and within countries depending on political preferences, ethnic association, religious views and, importantly, economic status.

My own approach to human rights is based on an inner sense of justice. Perhaps because I am from Ireland and have my roots in a past of struggle for freedom, of famine and of dispersal of a people. Perhaps also from my experiences as a lawyer and politician and, more recently, as a President privileged to visit and be a witness to profound suffering and deprivation in countries such as Somalia and Rwanda.

I have been in listening mode over the past two months. In Geneva, and subsequently in New York, I met the Permanent Representatives of Governments in the five regional groups and had opportunities for bilateral discussion with senior members of a number of Governments. I have also interacted with representatives of non-governmental organisations and with the academic community as part of the wider civil society engaged in human rights issues. As I listened I learned that the gap in perceptions of what we mean by human rights is even wider than I had thought. It is a gap that must be narrowed if there is to be a shared commitment at the international level to further the promotion and protection of human rights.

The broad mandate of my office, created by the

UN DPI Photo by Milton Grant

The newly appointed High Commissioner for Human Rights Mary Robinson and the Secretary-General Kofi Annan

General Assembly resolution of 20 December 1993, entrusts me, I believe, with a particular responsibility to bridge that gap. The means at my disposal are modest, the tools being mainly advocacy and persuasion. Nonetheless I take the very breath of the mandate as the starting point, because it is clear that the gap in perceptions is widest when the term "human rights" focuses specifically on civil and political rights on the one hand or, at the other end of the spectrum, emphasises the importance of the right to development. My responsibility as UN High Commissioner is to adopt and to foster a rights based approach across the whole spectrum of "civil, cultural, economic, political and social rights", to promote and protect the realisation of the right to development and specifically to include women's rights as human rights, as we were reminded by the Beijing conference. It is useful to have a timely opportunity for an open and, I hope, frank debate on all of this. That opportunity presents itself.

Next year we mark the 50th Anniversary of the Universal Declaration of Human Rights. This Declaration, I believe, ranks as one of the great aspirational documents of our human history. It embodies the hopes and even dreams of people still scarred from two World wars, newly fearful of the Cold War and just beginning the great liberation of peoples which came about with the dismantling of the European empires.

The Universal Declaration proclaims the fundamental freedoms of thought, opinion, expression and belief and enshrines the core right of participatory and representative government. But just as firmly and with equal emphasis it proclaims economic, social and cultural rights and the right to equal opportunity. It was to be "a common standard of achievement for all peoples and all nations", and the rights and freedoms set forth therein were to be enjoyed by all without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Twenty years after its adoption the basic tenets of the Declaration were endorsed in the Teheran Proclamation of 1968. These rights and freedoms were developed in greater detail in two United Nations Covenants, the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights, both of which entered into force in 1976.

The Universal Declaration is a living document. To commemorate it in the closing years of this millennium, the debate must give more priority to current complex human rights issues: the right to development, the recognition of the rights of indigenous peoples, the rights and empowerment of people with disabilities, gender mainstreaming and issues of benchmarks and accountability in furtherance of these and other rights. There are now many more participating Governments than were present on 10 December 1948 and also many more voices from the wider civil society. The challenge will be to engender a similar commitment to a shared vision that these rights are encompassed in the opening words of the preamble to the Universal Declaration: "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world..." And that they form part of a renewal in our time of that vision.

The international system's achievements to date in implementing human rights standards cry out for fresh

Photo UN

In 48 countries more than one fifth of the population lives in absolute poverty

approaches. As we prepare for the 50th Anniversary of the Universal Declaration, I have told my colleagues that I do not see this as an occasion for celebration. Count up the results of 50 years of human rights mechanisms, 30 years of multi-billion dollar development programmes and endless high level rhetoric and the global impact is quite underwhelming.

We still have widespread discrimination on the basis of gender, ethnicity, religious belief or sexual orientation and there is still genocide - twice in this decade alone. There are 48 countries with more than one fifth of the population living in what we have grown used to calling "absolute poverty".

This is a failure of implementation on a scale which shames us all. So much effort, money and hopes have produced such modest results. It is no longer enough to hide beyond the impact of the Cold War and other factors limiting international action in the past. It's time instead for a lessons learned exercise.

One lesson we need to learn, and to reflect in our approach, is that the essence of rights is that they are empowering. Poverty itself is a violation of numerous basic human rights. Furthermore, the increased recognition of the feminization of poverty makes it vital to link into the international protection of human rights the energies and approaches of the thousands of international and national networks of women's groups. This link between rights and empowerment is very much in my mind as I begin to identify my own priorities. One of these must be to respond to the directions of Secretary-General Kofi Annan in his report last July on "Renewing the United Nations: A Programme for Reform", that "... the High Commissioner will undertake an analysis of technical assistance provided by the United Nations entities in areas related to human rights and formulate proposals for improving complementarity of action" [para. 201, action 15 (b)]. What the Secretary-General had in mind were the various United Nations programmes that, for example, assist democratic processes, strengthen good governance and the rule of law, support the reform of the judiciary and legal system and train security forces. In addition, many United Nations programmes affect economic, social and cultural rights and the rights of the child. The report notes: "The Office of the High Commissioner should be able to provide its advice for the design of technical assistance projects and participate in needs assessment missions".

This overall analysis has been initiated by my colleagues. It will respond to the Vienna Declaration and Programme of Action which " ... urges all United Nations organs, bodies and specialised agencies whose activities deal with human rights to co-operate in order to strengthen, rationalise and streamline their activities, taking into account the need to avoid unnecessary duplication".

Which brings me to the other international event we will mark next year: the five year review of the World Conference on Human Rights convened in Vienna in the summer of 1993. The Conference concluded by adopting an Action Programme which identified particularly vulnerable individuals and highlighted the need for continual review of subsequent measures taken to ensure adequate protection of the rights of these groups. Women, minorities, indigenous peoples, children, persons with disabilities, refugees, migrant workers and prisoners were seen as particularly vulnerable. The Vienna Declaration and Programme of Action was endorsed by a resolution of the General Assembly which also established the post I now occupy.

One of the prime movers in building the consensus in Vienna for that post was Ecuador's ambassador and now Foreign Minister, Jose Ayala-Lasso, who was then handed the challenge of being the first High Commissioner. He moved prudently - building a more solid and durable consensus for the role of the post, beginning reform of the human rights secretariat in Geneva and enlarging the activities of the new Office to include substantial field presences in post genocide Rwanda, in Cambodia and elsewhere. When the

United Nations Decade for Human Rights Education was proclaimed by the General Assembly to begin in 1995, he initiated a plan of action for its implementation which I propose to build upon. My predecessor also saw the need to link more effectively with non-governmental organisations.

And what of the role of civil society in all this?

In his reform proposals last July, the Secretary-General noted that "civil society constitutes a major and increasingly important force in international life", but, United Nations is at present inadequately equipped to engage civil society and make it a true partner in its work". He urged "all United Nations entities to be open to and work closely with civil society organisations that are active in their respective sectors..." (Paras 59-60).

I feel a particular responsibility, as the person charged through my mandate both "to enhance international co-operation for the promotion and protection of human rights" and "to co-ordinate the human rights promotion and protection activities throughout the United Nations system", to give leadership with my colleagues in forging partnerships with and shaping the energies and effectiveness of the broad constituency of the human rights community worldwide.

It will not be easy to achieve. Commentators have noted that the High Commissioner's mandate was carefully worded and balanced - reflecting the concern of a number of governments that they were creating a post which might shine an unwelcome light on some neglect of their citizens' rights. Professor Philip Alston, in a recent article in the European Journal of International Law, described the quest to define the role of the UN High Commissioner for Human Rights as "neither fish nor fowl". He points out that whereas the tasks given to the High Commissioner have continued to expand, including significant field operations, it has been necessary to supplement the inadequate resources from the regular UN budget by seeking voluntary special purpose contributions. I share the broad thrust of his analysis. Indeed, recognising that voluntary contributions from Governments will continue to be an important source of funding for programmes and activities, I am taking the step of writing to all Governments so that support for our activities will be as inclusive as possible. I am also very conscious of the difficult task of developing an appropriate balance between the use of consensual diplomacy and the moral voice on behalf of victims which speaks out in defence of human rights. It helps to have only one agenda, the fulfilment of my mandate, and to recognise that there are many friends in the international human rights community ready and willing to help in meeting the challenge.

I would like to focus briefly on the co-ordinating role which has been given new impetus in the reform package proposals of last July.

Let me begin by noting an oft-cited quote attributed to Ian Martin - the former Secretary-General of Amnesty International - who said that the High Commissioner for Human Rights should wake up each morning thinking how best to protect human rights.

I agree with him but would go further. The protection of human rights requires that every United Nations staff member should wake with the same thought and work committed to that end.

Almost by definition and certainly according to its Charter, the United Nations exists to promote human rights. Somewhere along the way many in the United Nations have lost the plot and allowed their work to answer to other imperatives.

This is the root cause of much of the criticism that is levelled at the Organisation - you hear it couched in terms of complacency, of bureaucracy, of being out of touch and, certainly, of being resistant to change.

There is an opportunity now to recapture the lost purpose of the United Nations. I hope to contribute to

this work under the leadership of Secretary-General Kofi Annan by helping to shape a framework for action which will result in an Organisation driven by human rights standards.

I believe profoundly in the relevance to our global community of the human rights standards built up over more than fifty years. Not only are all human rights universal, indivisible, interrelated and interdependent, they are inherent in human nature and pertain to the individual. Realising and implementing these human rights standards is a core value of the reform proposals of last July. The language is explicit: and I quote "Human rights are integral to the promotion of peace and security, economic prosperity and social equity ..." (Para. 78) and again "A major task for the United Nations, therefore, is to enhance its human rights programme and fully integrate it into the broad range of the Organization's activities..." (Para. 79).

"The Universal Declaration proclaims the fundamental freedoms of thought, opinion, expression and belief and enshrines the core right of participatory and representative government. But just as firmly and with equal emphasis it proclaims economic, social and cultural rights and the right to equal opportunity"

The first step has already been taken by assigning each entity in the UN system, with the exception of my Office, to one of four Executive Committees. These committees are the central tool in ensuring coordination in the system, focussed on peace and security; humanitarian affairs, economic and social issues and development operations. The Secretary-General has asked me to participate in each of the four committees and to assess, in due course, whether this is a more effective way to "mainstream" human rights rather than having a fifth executive committee.

In a practical way human rights has become a core value in the work of the UN - human rights imperatives can and should be injected into every aspect of the Organisation's work. It will require an integrated approach, for example, working with our colleagues in political affairs and peacekeeping to understand that today's human rights violations are the causes of tomorrow's conflicts. And so on through the web of agencies tackling economic development, population activities, health, women and children, education, refugees and displaced persons. And I do not exclude those agencies which appear purely technical. The International Telecommunications Union has a crucial role in ensuring that people in the least developed countries can join the information revolution. Article 19 of the Universal Declaration anticipates the Internet, enunciating the right to "receive and impart information and ideas through any media and regardless of frontiers".

As High Commissioner I have the responsibility to act as a catalyst by stimulating and coordinating action for human rights throughout the UN system, and to provide education, information, advisory services and technical assistance in the field of human rights. The task, I am convinced, requires more than structural and organisational changes: it requires an approach of education and heightened awareness among the UN's most important resource, its staff. They need to become familiar with human rights standards and how these standards are applied in their own areas of responsibility. They need to understand the principles and ethics underlying these human rights standards and feel a sense of identification with this ethos. They should have a commitment to promote human rights and the ability to communicate and implement human rights standards in their daily work.

Changes are occurring. I have been impressed with new thinking and approaches on the need to develop the concept of a "strategic framework" in how we work in each country. This is a collegiate effort to encourage disparate elements of the UN to accept common goals and to coordinate their actions in order to achieve those goals. What human rights can bring to this discussion is a unifying set of standards - common reference points for setting the objectives, assessing the value of possible interventions and then for evaluating the impact of the actions which are agreed. It will undoubtedly help me in fitting in to and contributing to this integrated approach that my office is small and my resources modest. There is every incentive to coordinate.

The internal process, of what amounts to building up a culture of human rights throughout the UN system, will be our contribution to the review after five years of the Vienna Declaration and Programme of Action. That review requires a stocktaking by Gov-

ernments of the extent to which they have implemented the international human rights standards. It will also engage regional and national human rights institutions and the process will involve a reporting procedure to the Commission on Human Rights meeting in Geneva in Spring and to the General Assembly in Autumn. I am conscious of the timescale because in recent days I have written to Foreign Ministers and to regional and national institutions to remind them of their contribution to this process.

The timing is right. The five year review of the Vienna Conference will give us reference points by which to assess what is working and what might work better. Clarence Dias and James Paul coined the expression "lawless development" as a succinct indictment of the shortcomings of international interventions over the past 30 years and as a broad hint that some solutions might be found in the application of international law.

In my introduction I hope I made clear my commitment to treat economic and social rights with the same priority as civil and political rights. They must be treated as interdependent and indivisible if either set is to be realised. I mention this because I fear that those who work in development agencies may not yet be sufficiently aware of their role in the realisation of human rights.

A few weeks ago, colleagues in my Office met with an Australian NGO which - in conjunction with counterparts in South East Asia - is formulating guidelines for the implementation of what it calls the "Rights Way to Development". Their ideas are challenging.

This group is asking the right questions. For example - what are the real objectives of a World Bank loan for an infrastructure project or an intervention by the International Monetary Fund to stabilize a currency? For too long the objectives and the success or failure of interventions has been measured narrowly - according to the criteria of macro-economics. I suggest tonight - as I suggested to the Bank and Fund recently in Washington - that their real purpose is to contribute to the realisation of a number of human rights. In many ways both institutions are adapting to this broad objective using terms such as "human development", "human wellbeing", "human security", "basic needs" and "good governance". I prefer the language of the Universal Declaration and the two Covenants. The language there, unlike these surrogate terms, has the force of treaty law and directly empowers people. It tells people at the grassroots level that they have rights ... rights to security, dignity, economic opportunity and a better life for their children - not any vague and undefined entitlement to a favour of some kind, bestowed by a government or an international agency.

"The normative work is largely done. The international human rights standards are in place. The task for us all, given new impetus by the focus of next year, will be to implement them"

Let me stress that I am advancing nothing that is new nor is it the agenda of any particular ideology. I am simply advocating the implementation - in a consistent, coordinated and coherent manner - of well established legal obligations.

Rosalyn Higgins - one of this country's great international jurists and now a member of the International Court of Justice at the Hague, described international law "as a normative system, harnessed to the achievement of common values - values that speak to us all, whether we are rich or poor, black or white, of any religion or none, or come from countries that are industrialised or developing."

The normative work is largely done. The international human rights standards are in place. The task for us all, given new impetus by the focus of next year, will be to implement them.

Let me return, in conclusion, to The Golden Bough:

"If fate has called you, The bough will come easily, and of its own accord.

Otherwise, no matter how much strength you muster you never will Manage to quell it or cut it down with the toughest of blades."

As I wake up each morning thinking how best to protect human rights I must also, and with modesty, rely on fate.

Mary Robinson

Gaza and the West Bank

The programme of the United Nations High Commissioner for Human Rights in Gaza and the West Bank is an integral part of a wider international effort aimed at the social and economic development of the Occupied Territories through the strengthening of Palestinian institutional capacities in various sectors. International assistance and support to Palestinian efforts for development and reconstruction in the Occupied Territories have dramatically intensified as a direct result of the political developments which have emerged from the peace process in the Middle East since 1993, including the 1994 establishment of the Palestinian Authority in Gaza and the West Bank. Such developments have created major challenges and opportunities not only for the parties to the peace process, but also for the international community in general, now faced with the responsibility of meeting increasing hopes and expectations, as well as increasing needs for assistance.

In this context, the OHCHR programme responds to the need for institution building in the area of the rule of law, an essential aspect of the development process and fits within a wider United Nations initiative, to which some 25 UN agencies and programmes are contributing under the umbrella of the United Nations Special Coordinator in the Occupied Territories (UNSCO).

The technical cooperation programme *Support for the Rule of Law in Palestine* (PAL/95/AH/24) was signed by the OHCHR and the Palestinian Authority (PA) in April 1996, following a specific request by the PA and the appeal of the UN Commission on Human Rights that OHCHR provide technical assistance and advisory services to the PA. The programme is based on the outcome and recommendations of a needs assessment mission conducted by OHCHR and broad consultations with Palestinian governmental and non-governmental counterparts, UN agencies and donors active in the Occupied Territories. The programme, which is funded under the United Nations Voluntary Fund for Technical Cooperation in the field of human rights (principally by the Government of Norway) has a total budget of US$ 1,805,683 and is scheduled for a two-year period. It includes the establishment of an office in Gaza to implement programme activities in cooperation with Palestinian counterparts. Consequently, OHCHR's office was opened in November 1996 and currently includes five staff members, three professionals and two support staff. Key features of this programme are that it relies to a large extent on existing national human rights expertise for the implementation of all programme activities and works extensively with civil society and non-governmental groups, in addition to PA Ministries, agencies and departments.

The programme is based on a tripartite strategy of complementarity, incorporating the inter-dependent and mutually reinforcing elements of law, policy and institutional structure. Accordingly, it focuses on the following three main areas: (a) establishing a legal framework consistent with human rights standards, by the provision of advisory services on legislative drafting and support to Palestinian institutions and organizations in conducting legal analysis; (b) developing an official human rights policy through assistance for the elaboration of a national plan of action on human rights; (c) strengthening national structures whose role is crucial in protecting and promoting human rights, with special focus on the administration of justice (through advisory services and training for the police, prison officials, judges, prosecutors and lawyers), on the Palestinian Independent Commission on Citizens' Rights (PICCR) and on local non-governmental organizations. A summary of the activities carried out by OHCHR-Gaza to date is provided below.

ESTABLISHING A LEGAL FRAMEWORK CONSISTENT WITH INTERNATIONAL HUMAN RIGHTS STANDARDS

The complexity of the Palestinian legal system, reflecting multiple legal influences and relics from the Ottoman, British Mandate, Egyptian, Jordanian and Israeli systems, renders harmonization of laws a priority in the transition period. Major efforts are being devoted to this task within the Palestinian Authority

and extend to human rights related legislation. A successful outcome can only be achieved by strengthening the technical capacity of the relevant Palestinian bodies and institutions and by mobilizing existing expertise to ensure integration of international standards in the new Palestinian legislation. OHCHR activities in this area have included direct assistance to the Legislation and Legal Opinion Office of the Ministry of Justice - the body responsible within the Executive for reviewing and drafting new Palestinian legislation - in the form of documentation, equipment, training and advisory services on the elaboration of legislation. Assistance, in particular, is being provided by OHCHR - Gaza in drafting a new prison law, a law on the organization of the judiciary and a law on the legal profession. Arrangements have also been made to train staff of the Office in legal drafting techniques, a priority which needs to be addressed to strengthen the capacity of the Office in the performance of its functions. OHCHR is concurrently supporting the PICCR and three Palestinian non-governmental organizations and academic centres to conduct legal analysis and review work in several areas crucial to the strengthening of the rule of law, namely judicial structures and procedures, law enforcement associations, the legal profession and others. The substantive contributions of such institutions and organizations are channelled through the Ministry of Justice and the Palestinian Legislative Council to facilitate their own work in the legal reform process.

DEVELOPMENT OF AN OFFICIAL HUMAN RIGHTS POLICY

OHCHR is assisting the Palestinian Authority in developing a national plan of action for human rights in Gaza and the West Bank, consistent with the call of the 1993 World Conference on Human Rights. The process for the elaboration of the plan entails broad consultations with the Palestinian Authority, the Legislative Council, non-governmental human rights organizations and the judiciary; the preparation of strategy papers on six sectors to be included in the plan of action; a national workshop comprising all actors involved in formulation; and the adoption of the plan by the PA. Consultations are in progress with the Ministry of Planning and International Cooperation, the lead Ministry engaged in the formulation of the plan and with other Palestinian counterparts. The development of the plan, by consolidating all ongoing human rights initiatives in Gaza and the West Bank and identifying needs not being met at present, will facilitate coordinated and strategic planning in this field, thus contributing to a more comprehensive approach to the protection and promotion of human rights in the Territories.

OHCHR is also working with the Office of the Presidential Advisor on Human Rights (PAHR) with the objective of supporting its research and policy advisory functions on human rights. A study tour of the PAHR to Geneva, in connection with the fifty-third session of the UN Commission on Human Rights, was organized in March 1997, with the objective of familiarizing that Office with international mechanisms and systems for the protection and promotion of human rights. The PAHR has also been provided with human rights documentation.

STRENGTHENING NATIONAL STRUCTURES FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

In addition to providing a sound legal and policy framework consistent with international human rights standards, it is crucial to support those institutions at national level whose role is essential in ensuring im-

OHCHR Photo by F. Marotta

Human rights training session for Palestinian police officials - Gaza

High Commissioner for Human Rights Field Offices

plementation of laws and policies protective of human rights. The administration of justice, law enforcement and penal systems are most important in this regard. OHCHR is working with the Palestinian Police to establish a human rights training capacity within the police - both by developing a human rights curriculum and training a core group of police trainers who will be responsible for providing human rights training to members of the Palestinian Police on a regular and institutionalized basis. Official guidelines aimed at ensuring that the work of the police is consistent with international human rights standards are also being published and distributed. Similar needs exist in the area of penal institutions, where OHCHR is presently focusing on assistance in developing legislation on prisons, which will be complemented by training programmes for prison guards and administrators.

Fostering strong domestic human rights organizations is also an essential part of the process of establishing the rule of law during the transitional period. OHCHR is working closely with Palestinian non-governmental organizations (NGOs) in several priority areas by supporting their activities and their participation in the development process in Gaza and the West Bank. Direct assistance is being provided to NGOs in the area of law reform and women's rights. The objective of assistance in the area of women's rights is to support: legal research to identify areas where the development of legislation to promote women's rights and equal opportunities is needed; provision of direct legal services to Palestinian women and women's groups; education and information campaigns to promote understanding of laws and rights among women and to encourage their participation in the policy and legal development processes. Human rights documentation has been widely distributed to some 14 organizations in Gaza and the West Bank.

Consistent with the established policy of the organization to foster independent national human rights institutions, OHCHR also supports the work of PICCR with particular emphasis on strengthening its field capacity. As a result of OHCHR's support, PICCR has been able to establish a stronger presence in the West Bank, promote wider knowledge and understanding of the institution within the community and facilitate access to it by citizens in need of assistance. Furthermore, support is being provided to PICCR to enhance its work in the area of legislative review and analysis as stated above.

Francesca Marotta

The 50th Anniversary of the Universal Declaration of Human Rights

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood"

Article 1 of the Universal Declaration of Human Rights

One could ask: "With so much still to be done to make human rights a reality worldwide, should the 50th Anniversary of the Universal Declaration of Human Rights be commemorated?" By concluding that anniversaries only serve to recognize the past, the international community could be failing to take advantage of an important alternative. The commemoration of the 50th Anniversary can do more than simply honour past achievements. This anniversary can make an important contribution to the promotion and protection of human rights by reinforcing the fundamental and unremitting efforts on the part of Governments, human rights advocates and United Nations agencies and programmes worldwide. The 50th Anniversary of the Universal Declaration, rather than providing only temporary results, should serve as the inspiration for determined and practical action in human rights for years to come.

Our thoughts on the 50th Anniversary of the Universal Declaration of Human Rights should be guided primarily by the fact that at its core is a document which, fifty years after its adoption by the United Nations General Assembly, retains its immediacy throughout the world. The entire history of the Universal Declaration, from its adoption on 10 December 1948 to the present, constitutes a watershed in the development of the international promotion and protection of human rights. It has inspired and guided international and national legislative bodies, governments and - this cannot be emphasized enough - people on all continents struggling for their rights, for freedom and independence.

In his message addressed to the Seminar on "The Universal Declaration at the Dawn of the 21st Century" (Warsaw - Poland, January 1997), the President of South Africa, Mr. Nelson Mandela, was emphatic when he stated that, although his country had not voted for the Declaration when it was adopted, the document had served as a shining beacon and an inspiration to many millions of South Africans. Today, the Bill of Rights incorporated into South Africa's new constitution clearly reflects its direct descent from the Universal Declaration. President Mandela wrote: "This noble creed has inspired us during the darkness of despair. It will continue to be our guide in the years to come".

It is evident that retrospection is an important feature of any anniversary. However, the 50th Anniversary of the Universal Declaration should serve the future primarily by re-invigorating commitment to all that has yet to be done to ensure the enjoyment of human rights by people everywhere, especially those still suffering under oppression. It must be conceded that the historic achievements of the past fifty years in the promotion and protection of human rights give cause for satisfaction. However, these achievements should serve as the foundation for further work with the full implementation of universally binding standards as the goal.

It is equally important to recognize that shortcomings and failures should not lead to doubts and uncertainties with regard to the limitations to what can be achieved, but should assist the international community in planning future initiatives and allocating resources for the benefit of all people. The 50th Anniversary of the Universal Declaration should provide a framework for enhanced cooperation between all those involved in the cause of human rights with the ultimate goal being a strong and operational Global Partnership for Human Rights, firmly rooted in the universality of all human rights. Taking meaningful and substantive steps towards building this Partnership is fundamental to a successful commemoration of the 50th Anniversary and would serve as one of its lasting contributions.

The future-oriented approach to the 50th Anniversary of the Universal Declaration will derive considerable impetus from taking place concurrently with the Five-Year Implementation Review of the Vienna Declaration and Programme of Action (VDPA). This review provides an important framework for assessing progress made and difficulties faced in the promotion and protection of human rights. Now that the difficult task of establishing human rights standards has

largely been completed, the efforts of the international community should focus on implementing these standards and eliminating the obstacles thereto, as well as on preventing all human rights violations.

Both the Universal Declaration and the Vienna Declaration and Programme of Action embody the fundamental message which must be emphasized continually. This message is the universality of human rights interpreted as universal commitment to, and universal implementation of, all human rights. In this message, all human rights proclaimed as a common standard of achievement for all peoples and all nations, are perceived as equal and indivisible, as complementary and mutually reinforcing. Both Declarations have placed them within the framework of friendly international relations firmly rooted in justice and peace in the world. The Vienna Declaration, in keeping with the integrated approach of the Universal Declaration, proclaimed that "Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing".

UNITED NATIONS ACTIVITIES WORLDWIDE

In accordance with her mandate and mission, the United Nations High Commissioner for Human Rights exercises the central role in focussing people's minds and hearts on values decisive for the protection of human dignity. The High Commissioner, Ms. Mary Robinson, emphasized in a speech to the North-South Centre (Lisbon, May 1997), "Everything begins and ends with a determination to secure a life of dignity - a truly human quality of life - for all people in whose names we act. That is the only true measure of the worth of what we are doing".

The High Commissioner has been requested by the UN General Assembly and Commission on Human Rights to lead and facilitate the preparations for the 50th Anniversary. In 1996, the High Commissioner initiated consultations with Governments, partners from United Nations agencies and programmes and representatives of civil society, particularly from non-governmental organizations, with the purpose of creating a worldwide movement making "1998" a human rights year. The year will begin on 10 December 1997 and culminate on 10 December 1998 - the 50th birthday of the Universal Declaration. This landmark year for human rights is now only a few months away. It is now time to finalize plans and establish organizational frameworks for their implementation.

Various actors will, understandably, identify their own priorities for "1998" and in this way a diversity of contributions is expected. The efforts of the UN human rights programme will be dedicated to ensuring that "1998" will serve as an appropriate vehicle for advancing human rights together with peace, democracy and development. The anniversary year should be a time for reflection but - first and foremost - a time for action. Working together, governments and civil society, United Nations agencies and regional organizations, teachers and students, can all give strong impetus to strengthening a global human rights culture, sensitizing the general public to serious human rights violations and the fate of victims as well as developing initiatives which target practical improvements in human rights protection at all levels. "1998" should be a year of sharing experiences, promoting good practices and establishing partnerships for human rights with local, regional and global dimensions.

Official logo of the 50th Anniversary of the Universal Declaration of Human Rights

The United Nations programme for "1998" will be marked by specific high point periods which, as might be expected, are naturally determined by the debates in the Commission on Human Rights and in the General Assembly. In addition to commemorating the 50th Anniversary, the Commission will carry out the initial review of the implementation of the VDPA. The General Assembly will continue and conclude this debate. On 10 December 1998, the General Assembly will hold a special meeting to commemorate the signing of the Declaration. It is also expected that the coordination segment of the ECOSOC substantive session (July 1998, New York) will be devoted specifically to reviewing the contributions of the United Nations agencies and programmes to the implementation of the VDPA as was recommended by the Com-

all human rights for all

FIFTIETH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

1948-1998

Official slogan of the 50th Anniversary of the Universal Declaration of Human Rights

mission on Human Rights and endorsed by the General Assembly and ECOSOC itself. All United Nations agencies and programmes are pivotal to the success of "1998". In the context of their own mandates, UN agencies and programmes are planning special activities throughout the year to emphasize the importance of promoting and protecting human rights - an approach which will contribute significantly to the overall commemoration of the 50th Anniversary.

The High Commissioner for Human Rights has repeatedly pointed out that national and local activities play a decisive role in the work to promote and protect human rights. It is, after all, at the national and local levels that a culture of human rights can best take root and be developed and that the actions most relevant to people's lives are undertaken. In letters to Heads of State, the High Commissioner called for developing concrete plans on the occasion of the 50th Anniversary for advancing human rights. These plans could include the review of national legislation with a view to bringing it into full conformity with the standards enshrined in the International Bill of Human Rights and other human rights treaties and conventions as well as strengthening institutions established for the protection of human rights. As the 50th Anniversary and the Five-Year Implementation of the VDPA are now approaching rapidly, it is opportune to consider the ratification of those human rights treaties still outstanding and the withdrawal of possible reservations to these instruments.

"1998" is the ideal opportunity for civil society to take up the message of the Universal Declaration at local and grass roots level. Cooperation between NGOs and other elements of civil society will increase the results of these efforts. The academic community, in particular, may contribute to the debate on the future of human rights including the mechanisms and procedures established for their promotion and protection. Academic research and education are primary resources for international and national human rights programmes.

The High Commissioner for Human Rights is developing a special programme for 1998 focussed on human rights activities at local and grass roots level, including: support for local NGOs and other initiatives in the planning of human rights activities and programmes designed to reach people at grass roots level; disseminating print and audio/visual information provided by the Office of the High Commissioner for Human Rights and the United Nations Department of Public Information (DPI) to local NGOs, media organizations, schools, community groups and other organizations in specific areas; sharing information concerning initiatives at local level to be disseminated through the UN Human Rights Website; and coordinating contacts with the media, NGOs, schools and all other interested partners working at grass roots level in order to spread the message of human rights and the Universal Declaration to the widest possible audience.

In this framework, the following ideas may be considered as examples of activities which could be undertaken at local level: a lesson on human rights specifically for primary and secondary school children to be taught in classrooms around the world on 10 December 1998; establishing "human rights corners" in public libraries; grass roots human rights information campaigns; translating the Universal Declaration into local languages for wider dissemination; and establishing "Human Rights Communities" to promote human rights at local level. It should be noted that focus on local activities is an integral part of the overall orientation of the human rights programme which is expanding its involvement in field activities. Local activities for the 50th Anniversary will be implemented by the established United Nations presence in the field, especially through the offices of the High Commissioner for Human Rights, the United Nations Development Programme, and the United Nations Information Centres.

The 50th Anniversary will also highlight the ongoing role of human rights education and information as the basic means of developing a universal culture of human rights. For this to be achieved, human rights must permeate the minds and hearts of all people - rulers and state officials, judges and policemen, teachers and students and all sectors of society. Only when people are guided by the set of basic values protected by human rights, will these rights become the common denominator of the relations among and

within societies. Mr. Ayala-Lasso, the former High Commissioner, pointed out in his report to the last session of the Commission on Human Rights that "Human rights education is the basic vehicle of the human rights culture which can flourish only when people are aware of both their rights and their responsibilities as individuals and as members of international, national and local communities. [It] is not only an end in itself but also leads to empowerment and therefore change; in this sense, it constitutes a crucial and enduring contribution to the prevention of human rights abuses and an investment in achieving a just and humane society".

In the High Commissioner's programme for "1998", activities in human rights education carried out within the framework of the United Nations Decade for Human Rights Education (1995-2004) are closely associated with other projects aimed at the promotion of human rights. Close cooperation is being developed with UNESCO on projects such as the preparation of educational materials to disseminate the Universal Declaration in schools and the organization of several meetings during 1998 focussed on issues concerning human rights education.

Human rights panels to be held worldwide in 1998 will also achieve a promotional effect and should contribute to the international debate on fundamental human rights issues. Each panel will feature personalities whose opinions are widely recognized as being particularly relevant to the specific matters under discussion. The proceedings of the panels will be published in the form of a booklet and video for wide distribution especially among educational institutions and NGOs. The panels will be organized by various parts of the United Nations system.

In conjunction with the DPI, the Office of the High Commissioner is preparing an information campaign for "1998". Audio-visual materials will be published to better disseminate knowledge of human rights and raise public awareness. The Universal Declaration of Human Rights will also be made available in over 200 languages, further enhancing awareness among the global community. The various language versions will be distributed worldwide with the assistance of UN agencies and programmes, NGOs and the media and will be an important part of the international campaign to bring the meaning and continued relevance of the Declaration to people everywhere. The High Commissioner counts on support for the human rights awareness-raising campaign from various organizations, institutions, and persons.

The High Commissioner is also undertaking steps to facilitate the exchange of, and access to, information on all planned activities throughout 1998. The first 50th Anniversary Information Kit, which has already been published and which will be updated throughout 1997 and 1998, includes relevant documents, programmes, proposals and a provisional cal-

Photo: UN

Eleanor Roosevelt, 1948

Photo: UN

World Conference on Human Rights - Vienna, 1993

endar of events for 1998, also reflecting information received by the Office of the High Commissioner for Human Rights. Another important tool for sharing this information around the world is the United Nations Human Rights Website (www.unhchr.ch). A special section of the Website dedicated to the 50th Anniversary is not only available to provide information on events planned by the United Nations, but will also include information on activities taking place in all countries and sponsored by all types of bodies - Governments, NGOs, academic institutions and others wishing to publicize their plans through this medium.

ALL HUMAN RIGHTS FOR ALL

The commemoration of the 50th Anniversary of the Universal Declaration should involve the widest circles of the global society. The Universal Declaration, as well as other United Nations documents, particularly the Vienna Declaration and Programme of Action (VDPA), offer an appropriate vehicle to that end, namely a holistic and integrated approach to human rights. The comprehensive and equal treatment of all human rights: civil, cultural, economic, political and social is not only a conceptual requirement based on the observation that human dignity cannot be fully respected if only certain of its aspects are protected. This holistic view is also basic to a pro-active approach by all people - those in need as well as those in a position to assist others - to promoting and protecting human rights. In keeping with this approach, our attention should always be directed to the victims of human rights violations and to those who are in a disadvantaged position. In this context, the "1998" commemoration should become the framework for renewed efforts aimed at protection of and assistance to victims, strengthening the status of women and ensuring protection of their rights, as well as the rights of children, indigenous peoples, minorities, migrant workers and disabled persons. While guided by this general orientation from Vienna, actions and projects tailored to specific needs will certainly be developed at national and local level.

The emergence of a movement for the 50th Anniversary is presently taking shape as can be seen in the large number of initiatives currently under preparation worldwide. Each activity, each discussion, each programme to commemorate the 50th Anniversary will represent a meaningful step towards a greater understanding and acceptance of the rights of each individual. Taken together, they will proclaim that a renewed commitment to human rights will mark the next fifty years and those to follow as the century of human rights. This global movement will be evidence that human rights reflect not only the hopes and aspirations of the international community, but also the essential interests and legitimate demands of all people on all continents. The Office of the High Commissioner will endeavour to support and facilitate cooperation among all those striving to achieve this goal.

The Secretary-General noted the importance of "1998" recently when he said: "The 50th anniversary of the Universal Declaration of Human Rights [...] offers a unique opportunity to mobilize public opinion and focus worldwide attention on the issue of human rights. As Secretary-General, I not only pledge my own efforts to this endeavour, but appeal to the entire human rights community - governments, regional and national institutions, academic and research centres, NGOs, and the media - to work with the United Nations in the promotion and protection of human rights throughout the world in accordance with the principles established in the Charter of the United Nations and the Universal Declaration of Human Rights half a century ago".

Zdzislaw Kedzia and Scott Jerbi

Difficultés rencontrées dans la mise en oeuvre des traités internationaux en matière des droits de l'homme

En dépit d'une remarquable évolution au cours des dernières années, le système de supervision des traités internationaux en matière de droits de l'homme adoptés sous l'égide des Nations Unies continue de rencontrer d'évidentes difficultés. L'obligation principale des Etats parties à différents traités qui consiste en la soumission régulière de rapports à plusieurs Comités sur les mesures qu'ils ont adoptées pour mettre en oeuvre les droits protégés, soulève des problèmes de plus en plus importants tant pour les Etats parties que pour les Comités dont il s'agit. Ceci entraîne, par exemple, des retards fréquents dans la présentation, voire l'examen des rapports.

De surcroît, plusieurs des sujets abordés dans lesdits traités sont de nature semblable, certaines des conventions visées ayant été envisagées comme un approfondissement des obligations déjà envisagées au titre des Pactes internationaux relatifs aux droits de l'homme. Les organes de supervision considèrent ces rapports en fonction de modalités qui leur sont propres en rappelant la spécificité de l'instrument dont ils ont la charge. Dès lors, l'on ne peut manquer d'évoquer un certain chevauchement des compétences des uns et des autres qui ne peut manquer de créer des difficultés supplémentaires pour les Etats et, plus généralement, pour l'ensemble des intervenants en la matière, à percevoir pleinement le sens à attacher au mécanisme de supervision conventionnel.

Dès lors, il n'est guère surprenant que les Comités aient entrepris ces derniers mois une réflexion approfondie pour tenter de remédier aux différents handicaps précédemment mentionnés. Les propos qui suivent tentent d'apporter quelque lumière sur certaines initiatives envisagées à cet égard.

LE SYSTEME DE SUPERVISION DES TRAITES INTERNATIONAUX EN MATIERE DE DROITS DE L'HOMME

L'élément clef du mécanisme de supervision des traités réside dans l'examen des rapports soumis par les Etats parties. Il va sans dire que de l'étendue du contrôle opéré par cette voie dépendra en définitive l'efficacité réelle du système. Les modalités régissant chacune de ces procédures possèdent des caractéristiques particulières; il n'en demeure pas moins que nombre de celles-ci sont communes à l'ensemble des traités prévoyant des prérogatives semblables: Les Etats parties s'engagent à présenter de tels rapports sur les mesures qu'ils ont arrêtées et qui donnent effet aux droits reconnus dans l'instrument visé et sur les progrès réalisés dans la jouissance de ces droits. Par ailleurs, les rapports doivent indiquer, le cas échéant, les facteurs et les difficultés qui affectent la mise en oeuvre des dispositions de l'instrument considéré. L'examen est réalisé en séances ouvertes au public et les organisations non gouvernementales soumettent aux membres des comités des informations sur les problèmes éventuels rencontrés concrètement par chaque pays étudié. Il prend la forme d'un nombre extrêmement important de questions précises et techniques posées par les membres, suivant l'ordre des articles des Conventions suivies de réponses fournies par les délégations. Il se conclut généralement par la formulation d'observations ou conclusions écrites adressées au Gouvernement de l'Etat faisant rapport.

La mise en oeuvre des traités internationaux relatifs aux droits de l'homme est ainsi contrôlée chaque année suivant les organes de contrôle dans un nombre variant entre cinq et trente pays. L'examen des rapports est synthétisé dans les compte rendus analytiques élaborés par le Secrétariat et les conclusions sont reproduites dans les rapports annuels à l'Assemblée générale ou au Conseil économique et social.

Le contrôle opéré sur la base de rapports étatiques n'a d'intérêt que s'il est renouvelé périodiquement. En effet, l'examen du rapport initial soumis par l'Etat se révèle être dans bien des cas une prise de contact entre le Comité et l'Etat partie permettant d'élaborer un tableau global, général et souvent uniquement légal de la situation des droits de l'homme dans un pays donné. Ce n'est finalement qu'avec l'examen de rapports périodiques où la situation concrète des droits de l'homme est pleinement mise en lumière, que

l'exercice prend tout son sens. La périodicité permet la comparaison, la mesure de l'évolution de la situation; elle induit le Comité à se référer à ses précédents observations, questions ou commentaires et à envisager de quelle manière ils ont été appréhendés par les autorités nationales. Concrètement, la périodicité appliquée est de quatre ou cinq années selon l'instrument.

Retards dans la présentation des rapports

L'obligation principale souscrite par les Etats résidant dans la soumission, à intervalles réguliers, de rapports sur la mise en oeuvre dans leurs différents pays des droits prévus par lesdits traités, si l'Etat ne présente pas de rapport, c'est l'ensemble de l'édifice qui est menacé. Force est cependant de remarquer qu'une tendance marquée valable pour tous les traités est la non-soumission de rapports par un très grand nombre d'Etats. A titre d'exemple, le nombre de rapports qui n'avaient pas encore été présentés au Comité des droits de l'homme en mars 1997 s'élevait ainsi à un total de 99 rapports concernant 83 des 138 Etats parties.

"L'obligation principale souscrite par les Etats résidant dans la soumission, à intervalles réguliers, de rapports sur la mise en oeuvre dans leurs différents pays des droits prévus par lesdits traités, si l'Etat ne présente pas de rapport, c'est l'ensemble de l'édifice qui est menacé"

Nombre d'Etats parties éprouvent des difficultés croissantes à présenter leurs rapports faute d'une infrastructure administrative appropriée et en raison du coût budgétaire induit. De surcroît, de par la juxtaposition de leurs obligations, il n'est pas rare que le même Etat soit tenu de présenter plusieurs rapports sur des situations semblables à différents organes dans un laps de temps fort bref. Un Etat partie à plusieurs instruments précédemment mentionné est, par exemple, appelé à faire rapport sur les problèmes de discrimination au titre des deux Pactes et des deux Conventions contre la discrimination. La situation de l'enfant et de la famille peut être examinée au titre des articles 23 et 24 du Pacte sur les droits civils et politiques, de l'article 10 du Pacte sur les droits économiques, sociaux et culturels, de l'article 5 (d) (iv) de la Convention contre la discrimination raciale et des Conventions sur les droits de l'enfant et contre la discrimination à l'égard des femmes. De tels exemples pourraient être multipliés.

Enfin, il n'est pas inutile de mentionner que la procédure d'examen des rapports par des organes indépendants s'étant largement enrichie et développée, certains Etats éprouvant des difficultés dans la mise en oeuvre des traités relatifs aux droits de l'homme préfèrent ne pas présenter leur rapport dans de telles circonstances. De manière similaire, lorsqu' une situation d'urgence, déclarée ou non, prévaut dans un pays, ou lorsque des bouleversements institutionnels sont en cours, la tentation est grande de demander un report dans l'examen des rapports; or, c'est précisément dans de telles périodes que l'assistance des comités peut être utile à l'identification de garanties minima et au contrôle de la mise en oeuvre des droits de l'homme dans des périodes de crise ou, dans le deuxième cas, de fournir un avis sur les modifications constitutionnelles, législatives ou réglementaires envisagées.

Paradoxalement, il convient de noter que les organes risquent de rencontrer en aval un problème opposé. En effet, le nombre de rapports soumis aux Comités et attendant d'être examinés ne cesse de croître. Notons, à titre d'exemple, que le nombre de rapports devant être examinés par les Comité des droits de l'homme s'élevait fin mai 1997 à 30 rapports - ce qui signifie qu'un rapport présenté au Comité n'est examinée que dix-huit mois plus tard, le rendant dans bien des cas incomplet ou dépassé. Un surcroît de rapports est de nature à bloquer partiellement les travaux des organes, de lourds arriérés impliquant des retards dans l'examen des rapports. La solution la plus évidente, à savoir la réduction du temps consacré à l'examen de chaque rapport, met à mal la nécessité impérieuse de conserver un mécanisme de contrôle influant sérieusement sur la politique des Etats parties quant à la mise en oeuvre desdits traités.

Methodes de travail des Comites

Plus généralement, la structure des organes de contrôle est marquée par une profonde hétérogénéité et, en conséquence, une grande complexité dans ses mécanismes d'application. On rappellera que ces décalages sont le résultat d'une évolution historique

UN DPI Photo by K. Chang

Christine Chanet, Présidente du Comité des droits de l'homme

par strates successives. Lors de l'élaboration de conventions sur des sujets particuliers, une tendance naturelle consiste à considérer que chaque situation nécessite un organe particulier dans le domaine concerné et d'envisager un ou des mécanismes particulièrement adaptés à la situation envisagée. C'est ainsi que les périodicités de présentation de rapports peuvent différer selon les organes et que des procédures de communications individuelles ne sont prévues que pour certains d'entre eux. En outre, l'histoire propre à chaque comité peut induire à des différences d'approche notables marquées par des procédures distinctes. Enfin, la réunion d'organes différents à Genève ou à New York en quasi continuité toute l'année, traitant de sujets semblables mais selon des modalités différentes, rend la lecture de ces procédures fort complexe et réservée à quelques initiés.

Après la mise en place de six organes d'experts, les inconvénients précédemment mentionnés s'ajoutant à une augmentation des obligations pour chaque Etat, et, plus généralement, une complexité croissante, conduisent naturellement à souhaiter une rationalisation des procédures et une meilleure coordination entre les organes.

Questions d'organisation

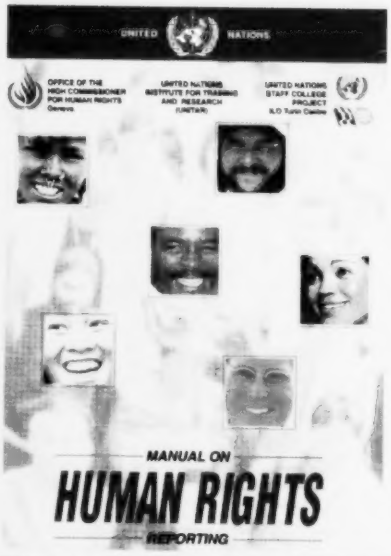
Enfin, force est de constater que les Comités rencontrent indubitablement des difficultés importantes dans la gestion quotidienne des mandats qui leur incombent. Traitant des communications individuelles, examinant des rapports des Etats, organisant des journées de discussion ou menant des enquêtes spécialisées, les Comités disposent de peu de marges de manoeuvre dans la préparation de programmes de travail adéquats, et ce d'autant que certains Comités ne se réunissent que deux fois par an. Ceci n'a pas manqué de conduire le Comité pour l'élimination de la discrimination raciale à demander et obtenir une deuxième session annuelle. De manière similaire, le Comité contre la torture a demandé lors de sa session d'avril d'allonger de deux à trois semaines la durée de ses sessions et celui sur les droits économiques, sociaux et culturels a souhaité une session supplémentaire à titre exceptionnel en 1998.

LES REMEDES ENVISAGES POUR L'AMELIORATION DES PROCEDURES DE CONTROLE DE LA MISE EN OEUVRE DES CONVENTIONS EN MATIERE DE DROITS DE L'HOMME

Retards dans la soumission des rapports

Les organes de contrôle ont très tôt envisagé des mesures visant à remédier au problème causé par la non-soumission des rapports par les Etats parties. Une des mesures les plus significatives, mais néanmoins d'efficacité purement symbolique, a consisté à publier dans les différents rapports annuels les listes d'Etats parties n'ayant pas rempli leurs obligations. Par ailleurs, des rappels sous forme de notes verbales du Secrétaire Général ou, plus exceptionnellement de lettres du Président concerné, ont été envoyés aux Etats concernés, sans grande efficacité là encore. Plus intéressante, la démarche du Comité des droits de l'homme consistant à rencontrer, par l'intermédiaire de son Président ou d'autres membres désignés du Comité, les représentants permanents des pays fautifs a conduit à un surcroît de présentation des rapports après lesdites rencontres. Certaines autres mesures ont pu être envisagées sans être réalisées, telle l'éventuelle suspension du droit de vote des Etats concernés lors des réunions des Etats parties. Plus récemment, le Comité pour l'élimination de la discrimination raciale et le Comité des droits économiques, sociaux et culturels ont inscrit à l'ordre du jour de leurs sessions la situation d'Etats n'ayant pas soumis depuis une longue période leur rapport. Enfin, des efforts d'assistance technique ou de services consultatifs menés sous l'égide de l'Office du Haut Commissaire aux droits de l'homme avec la contribution des membres des comités, sous la forme de séminaires régionaux ou nationaux destinés à expliciter les mécanismes d'examen des rapports et les besoins des Comités aux fonctionnaires nationaux directement chargés de la rédaction des rapports, permettent d'obtenir des résultats significatifs.

TREATY BODIES



Le Manuel relatif à l'établissement des rapports sur les droits de l'homme étudie en détail tous les aspects utiles de la procédure d'établissement et de présentation des rapports consacrés aux droits de l'homme dans le cadre de six instruments internationaux de base. Il est d'un grand secours aux fonctionnaires chargés de rédiger et de soumettre des rapports aux organes des traités. Cet ouvrage fondamental a été réalisé par l'UNITAR et le Haut Commissariat aux droits de l'homme et est disponible auprès des librairies des Nations Unies.

Reunion des Presidents des organes conventionnels

Afin d'étudier les problèmes structurels liés au fonctionnement des organes de contrôle des conventions en matière de droits de l'homme et de permettre un examen des rapports plus efficace, diverses réunions des présidents des organes créés en vertu de traités relatifs aux droits de l'homme sont organisées chaque année. La prochaine devrait avoir lieu du 15 au 19 septembre 1997. Ces réunions sont destinées à prévoir des mesures permettant en priorité un rapprochement entre les organes et une meilleure coordination de leurs travaux. En outre, elles permettent d'envisager les moyens de remédier en commun aux problèmes les plus visibles et d'attirer l'attention de l'Assemblée Générale, l'Ecosoc et la Commission des droits de l'homme sur les difficultés rencontrées par les organes de contrôle.

Coordination

Un développement très net des liens entre comités et, plus largement, de ceux-ci avec d'autres organes des Nations Unies, a été réalisé. C'est ainsi que progressivement des échanges d'informations ont été réalisés et que des intervenants extérieurs ont pu participer à certains des travaux de ces organes. Différents Comités ont développé une pratique consistant à réserver une journée lors de chaque session à l'étude de problèmes spécifiques touchant à l'application de leur Convention. Des représentants d'organismes du système des Nations Unies, des rapporteurs spéciaux ou experts de la Sous-Commission des droits de l'homme, ainsi que des organisations non gouvernementales et des chercheurs ont pu s'exprimer devant eux. Par ailleurs, les représentants des Institutions spécialisées des Nations Unies, telles le Fonds des Nations Unies pour l'enfance (UNICEF), le Haut Commissariat des Nations Unies pour les refugiés (HCR), l'Organisation Internationale du Travail (l'OIT), l'Organisation des Nations Unies pour l'éducation, la science et la culture (UNESCO) et l'Organisation Mondiale de la Santé (OMS) sont directement associés aux travaux des Comités. Le Comité pour l'élimination de la discrimination raciale tient régulièrement des réunions conjointes avec la Sous-Commission des droits de l'homme. Le Comité pour les droits de l'enfant a dès l'origine indiqué les profits importants qu'il entendait tirer d'une collaboration étroite avec les institutions spécialisées, telle l'UNICEF, et les autres intervenants internationaux, y compris non-gouvernementaux. Enfin, des membres de chaque Comité ont été désignés pour suivre les travaux des autres organes afin d'attirer l'attention sur les travaux de ceux-ci entrant dans leur sphère de compétence.

Un approfondissement des relations avec les intervenants non-gouvernementaux est également en cours. Si la plupart des Conventions ne font pas mention de telles relations, des contacts informels entre celles-ci et les membres des Comités se sont progressivement établis. L'ensemble des organes font dorénavant plus fréquemment appel tant à l'expertise de ces organisations qu'à leur connaissance des problèmes posés par la mise en oeuvre des traités au niveau national. Leur participation aux travaux des réunions des présidents est, à cet égard, significative et encourageante.

INFORMATISATION

D'autres moyens sont disponibles, au premier rang desquels figurent l'informatisation des travaux des organes et la création de bases de données comprenant l'ensemble des données de base, des rapports et autres documents relatifs auxdits organes. La mise en place en décembre 1996 d'un site du Haut Commissaire aux droits de l'homme (HCDH) sur Internet (www.unhchr.ch) a permis dans une large mesure de diffuser une information précise et immédiate sur les travaux et activités des Comités.

ASSISTANCE TECHNIQUE

Parmi les autres mesures on mentionnera les services consultatifs offerts par l'Office du Haut Commissaire aux droits de l'Homme visant à la formation des personnels administratifs chargés de la rédaction des rapports. En outre, un manuel sur la rédaction des rapports à été rédigé par l'Institut des Nations Unies pour la formation et la recherche (UNITAR) en collaboration avec l'Office du Haut Commissaire et systématiquement mis à jour.

"Il paraît donc indiqué de réfléchir sur la possibilité d'envisager une réforme globale du système de supervision des traités internationaux en matière de droits de l'homme. Celle-ci doit tendre à une simplification des procédures et une diminution des organes de contrôle"

CONCLUSION

Force est de constater que les organes des traités n'ont pas manqué d'adopter des mesures énergiques destinées a rendre plus efficace les procédures dont ils ont la responsabilité. Dans les mois à venir, ils continueront à n'en pas douter à imaginer des méthodes et procédures nouvelles destinées à pallier certaines des difficultés qui ont été simplement évoquées ici.

Il n'en demeure pas moins que de nombreux efforts restent à entreprendre pour mettre pleinement en oeuvre les plans suggérés par le Secrétaire Général dans son ouvrage "les Nations Unies et les droits de l'homme 1945 - 1995" et ainsi oeuvrer en faveur d'une meilleure lisibilité des procédures de contrôle des traités en matière de droits de l'homme. La nécessaire efficacité et universalité des procédures de mise en oeuvre des droits de l'homme se satisfait très mal de la multiplicité des organes et différentiation des obligations. Il paraît donc indiqué de réfléchir sur la possibilité d'envisager une réforme globale du système de supervision des traités internationaux en matière de droits de l'homme. Celle-ci doit tendre à une simplification des procédures et une diminution des organes de contrôle. La première démarche à entreprendre consisterait à permettre aux Etats de présenter un rapport global couvrant l'ensemble des traités auxquels ils sont parties. Au delà de cette réforme il pourrait être possible d'envisager la mise en place, à l'horizon du XXIème siècle, d'une structure unique de contrôle des instruments internationaux relatifs aux droits de l'homme. Interlocuteur unique et semi-permanent, l'Organe Technique de supervision des traités aurait une double compétence, l'examen des rapports soumis par les Etats parties et des plaintes présentés par les individus. Il deviendrait, selon le Secrétaire Général, l'alter ego de la Commission des droits de l'homme et recueillerait le bénéfice de son approche technique, systématique et universelle de la situation des droits de l'homme.

Comme prélude à ces efforts, il est à souligner que les problèmes de chevauchement et les solutions envisageables ont, en fait, été évoqués depuis plusieurs mois dans des Séminaires organisés dans le contexte de la préparation du Cinquantenaire de la Déclaration universelle des droits de l'homme[3]. Il reste à espérer que des initiatives d'ampleur pourront être prochainement proposées afin de relever les défis que le début du XXIè siècle ne manquera de poser.

Eric Tistounet

VOLUNTARY FUND

UN Support to Victims of Torture

Torture continues to occur on a worldwide basis, despite enhanced efforts by Governments and organizations in keeping with provisions contained in domestic law and international human rights conventions whose objective is its total eradication.

The practice of torture was first prohibited in 1948 by the Universal Declaration of Human Rights and by the International Convention on the Prevention and Punishment of the Crime of Genocide; the concept was reaffirmed in 1966 by the International Covenant on Civil and Political Rights; and more recently, in 1984, by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

WHAT IS THE VOLUNTARY FUND FOR VICTIMS OF TORTURE?

The effects of torture should not be under-estimated. Physical and mental consequences of torture can endure for several years and may be irreversible, often affecting not only thousands of victims themselves, but also their relatives. One of the means of mitigating the subsequent effects of torture on victims and their families is to provide them with medical, psychological, social, legal and economic aid. With this in mind, the General Assembly[1] created the United Nations Voluntary Fund for Victims of Torture in 1982. The purpose of the Fund is to receive voluntary contributions and distribute them to non-governmental organizations and treatment centres for assisting victims of torture and their relatives whose human rights have been severely violated as a result of torture, as well as for the funding of projects for training health-care professionals specialized in the treatment of victims of torture.

The Fund is administered by the United Nations Secretary-General with a Board of Trustees acting in an advisory capacity and comprising five members with wide experience in the field of human rights. The members serve in their personal capacity and are appointed by the Secretary-General for a renewable three-year term of office on the basis of equitable geographical distribution. Currently, members of the Board of Trustees are Jaap Walkate, Chairman, from The Netherlands; Ribot Hatano from Japan; Elisabeth Odio-Benito from Costa Rica; Ivan Tosevsky from the Former Yugoslav Republic of Macedonia; and Amos Wako from Kenya.

The inadequacy of available resources is a limiting factor in the field of assistance to victims; as a consequence, programmes of assistance are subjected to interruptions. For some 100 organisations the support of the United Nations Voluntary Fund remains essential.

HOW DOES THE VOLUNTARY FUND WORK?

The Fund receives projects which focus on providing medical, psychological, economic, social and

During its sixtieth session, held in May 1997, the Board of Trustees examined 143 proposals for projects from 70 countries to be funded. The Board recommended that US$ 3,036,854 be allocated. The High Commissioner for Human Rights approved the recommendations of the Board on behalf of the Secretary-General. 20 new projects were launched and 104 projects were financed worldwide: 14 in North America, 21 in Central and South America, 30 in Western Europe, 10 in Eastern Europe, 14 in Africa, 15 in Asia, Oceania and the Middle East.

It is important to note that the grants allocated to organizations based in North America and Western Europe are used for the treatment of asylum-seekers and refugees victims of torture coming from other regions of the world. It is a known fact that at least 50% of asylum-seekers and refugees who have been detained in their country of origin have been subjected to one or more forms of torture.

1. Resolution 36/151 of 16 December 1981.

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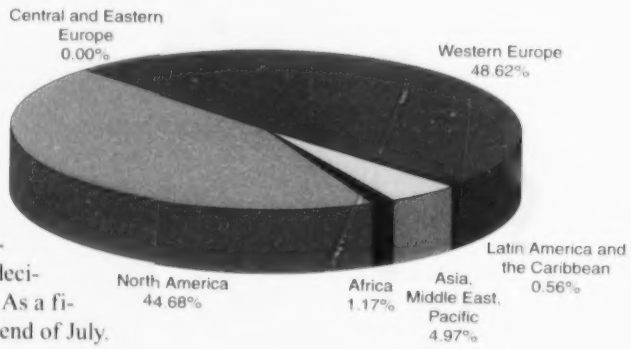
legal assistance to victims of torture and to members of their families. A few projects also share the objective of organizing training seminars for health professionals specialized in the treatment of torture victims.

Each May, the Board of Trustees makes recommendations on grants to the High Commissioner for Human Rights. Subsequently, in the following month, on the basis of those recommendations, the High Commissioner takes decisions on behalf of the Secretary-General. As a final step, grants are made available at the end of July.

Contributions received for the 16th session


Central and Eastern Europe 0.00%
Western Europe 48.62%
Latin America and the Caribbean 0.56%
North America 44.68%
Africa 1.17%
Asia, Middle East, Pacific 4.97%

From 1983 to July 1997, the Fund has financed 255 projects for direct assistance to torture victims. From US$ 2.5 to US$ 3 million of voluntary contributions received from about 30 Governments and a few individuals are disbursed every year to projects in some 60 countries representative of all the regions of the world. Further information on the activities of the Voluntary Fund can be found in the latest annual reports of the Secretary-General to the General Assembly (UN document A/52/387) and to the Commission on Human Rights (UN documents E/CN.4/1998/37 and Add.1).

SOME PROJECTS RECENTLY SUBMITTED

Torture involves not only physical but also psychological forms, sometimes with long-term sequelae: in this regard, the Fund is supporting a project whose objective is to provide global assistance to formerly disappeared children of victims of torture in Latin America. The organization identifies disappeared children as those born in detention, abducted by security forces and illegally adopted. Once located by the organization, the children may be returned to their biological families. The best interests of the child have to be taken into consideration. This project consists of two main parts: investigation - some 1,030 interviews were carried out in the past year in conjunction with blood tests and analyses of genetic data - and psychological support provided to some 431 persons during 1996. Most of these persons suffer from sequelae of post-traumatic stress disorder including anxiety, nightmares, depression, as well as affective and intellectual inhibitions and benefit from individual psychotherapy. The number of youths seeking assistance remains high while many children have yet to be found: to date, 172 children still need to be located and 6 who were found have yet to be returned to their biological families.

Another project which was being implemented in Asia in 1996 focused on providing physical and men-

	Grants requested (US$)	Grants awarded* (US$)	% granted	Additional amount required (US$)
1997	6 800 000	3 036 054*	44.64	3 765 946
1996	5 618 645	2 535 500*	45.1	3 083 145
1995	5 827 645	2 719 680*	46.6	3 107 965
1994	5 476 959	3 698 080*	67.5	1 778 879
1993	5 289 413	2 111 880*	39.9	3 177 533

As at 30 November 1997 only US$ 1,174,499 has been paid into the Fund. Provided that the number of grant requested is maintained at the 1997 level, the Fund will need an additional amount of US$ 5,6 million to meet all requests.

* Each year, the grants awarded correspond to the total amounts which the Board of Trustees is able to recommend to the Secretary-General for allocation. In view of the insufficient contributions received, the Board avoids the practice of carrying forward a reserve from one year to the next. The Secretary-General follows this recommendation by the Board.

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tal relief to torture survivors and their families. Firstly, fact-finding missions on the incidence of torture were carried out establishing that people had been subjected to torture by the police and other law enforcement agencies: this involved methods such as beatings all over the body, kicking them with police boots, applying electric shocks, scalding them with hot water, suspending them by the legs from roofs and inflicting them with bullet injuries. Long-term consequences, apart from obvious physical complaints, were psychological and included phobia, depression, sexual problems and mental disorders. The more commonly occuring complaints were social maladjustments at work, in the family and society in general, through the overall loss of social dignity and a departure from social values. In 1995, 263 victims between 15 and 45 years of age received treatment. The drug therapy included prescription of antipsychotics, physiotherapy as well as psychotherapeutic assistance. Parallel to the main objective of providing physical and mental relief to the victims, the Care Center organized other activities such as seminars on torture for health professionals, missions in collaboration with the national Human Rights Commission in order to establish contact with victims, encourage them to visit the Care Center and prepare a report for submission to governmental authorities asking for justice. The organization also established a legal division which has already successfully assisted in five cases.

In North America, a treatment centre is currently providing clinical services to victims of torture who are now refugees, mainly from Africa and the Carribean. 167 persons were assisted who had been subjected to rape, electric shocks, deprivation of human needs, as well as being obliged to eat excrement or perform acts of violence or murder often targeting their own family members. The treatment provided ranges from psychiatric and medical examination, to treatment in the form of crisis intervention and support counselling, psychotherapy, physiotherapy, social service, education, medical referrals, social support interpreters and legal assistance. In 1996, the center also established a children's art therapy branch as a medium for treating anxiety and dysfunctions related to traumatic experiences which children were unable to express verbally in the family setting.

The Commission on Human Rights, by its resolution 1997/38 of 11 April 1997, requested that the General Assembly proclaim 26 June a United Nations international day in support of the victims of torture and appealed to all Governments, organizations and individuals in a position to do so to contribute annually to the Fund.

Daniel Prémont

HOW TO APPLY?

If your organization is setting up a specific project for assistance to torture victims please contact the secreteriat of the Fund for more information:

United Nations Voluntary Fund for Victims of Torture, United Nations High Commissioner for Human Rights, Palais des Nations, 1211 Geneva 10 - CH, tel. (41 22) 917 33 94, fax. (41 22) 917 00 99.

HOW TO CONTRIBUTE?

Governments, organizations, foundations, private enterprises as well as individuals can contribute to the Fund. Contributions can be made at any time to the followings accounts, specifying **"For the United Nations Voluntary Fund for Victims of Torture"**.

Payments shoud be made to:

The United Nations Geneva General Fund
c/o Société de Banque Suisse (SBS)
P.O. Box 2770, CH 1211 Geneva 2 - CH

Accounts:

CO.590.160.1 for contributions in US dollars
CO.590.160.0 for contributions in Swiss francs

Contributions can also be made by cheque to the order of the **"United Nations", c/o UNO, CH-1211 Geneva 10, Switzerland**.

If you want to help us, please send your contribution using the coupon on this page. A receipt will be issued for every contribution made and the contribution will be mentioned in the report to the General Assembly.

Name

Address

Zip Code and Town

State

Telephone number

I made my contribution by:

- Transfer paid to the **United Nations Geneva General Fund** c/o Société de Banque Suisse, SBS, P.O. Box 2770, 1211 Geneva 2 - CH in:
- US dollars to account CO.590.160.1
- Swiss Francs to account CO.590.160.0

or:

- Cheque paid to the Treasury, UNO, Palais des Nations, 1211 Geneva 10 - CH
- Cheque paid to the Treasury, UNO, New York, NY 10017 - USA

Please indicate in respect of both types of payment that your contribution is for **The United Nations Fund for Voluntary Contributions for Victims of Torture, account CH.**

The United Nations Decade for Human Rights Education (1995-2004)

With the proclamation of a United Nations Decade for Human Rights Education (1995-2004), in December 1994, the General Assembly called upon Governments, international organizations, non-governmental organizations, professional associations and all other sectors of civil society to establish a partnership and to concentrate their efforts on promoting a universal culture of human rights. The proclamation of the Decade represented not the beginning but the maturation of global efforts for human rights education; consistent with the provisions of Article One of the Charter, United Nations activities in the field of human rights have, for almost fifty years, been devoted to promoting and encouraging respect for human rights and for fundamental freedoms.

Specific human rights education obligations have been embodied in the main United Nations human rights instruments, ensuring the sound legal basis of the right to human rights education[1]. Thus, States have undertaken legal obligations, within the framework of international treaties, to provide not only education in general, but education in and for human rights in particular.

Moreover, the United Nations has undertaken important initiatives for the promotion of human rights, such as the establishment of the United Nations Programme of Technical Cooperation in the Field of Human Rights (1955) - formerly referred to as the United Nations Programme of Advisory Services - and the related Voluntary Fund (1987), aimed at strengthening national and local human rights capacities; the launching of the World Public Information Campaign for Human Rights (1988); and the convening of the World Conference on Human Rights (1993). The World Conference, which dedicated a specific part of its programme of action to human rights education[2], considered "human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace" and suggested the proclamation of a United Nations Decade for Human Rights Education as a course of action to be considered in order to promote, encourage and focus human rights educational activities.

As a result of these initiatives, promotional and preventive actions were added to the protection mechanisms that had been elaborated in the early years of the United Nations Human Rights Programme. These actions constitute important steps in the recognition of the basic need for awareness and education as integral elements of the programme of activities of the United Nations in the field of human rights and have made an undeniable contribution to the proclamation of the UN Decade for Human Rights Education.

The Decade covers the period beginning 1 January 1995 to 31 December 2004; a related Plan of Action[3], which focuses on stimulating and supporting national and local activities and initiatives, is now under implementation[4]

The objectives of the Plan of Action are:

(a) Assessment of needs and formulation of effective strategies for the furtherance of human rights education at the international, regional, national, and local levels;

(b) Building and strengthening of programmes and capacities for human rights education at the international, regional, national and local levels;

(c) Coordinated development of effective human rights education materials;

(d) Strengthening of the role and capacity of the mass media in the furtherance of human rights education;

(e) Global dissemination of the Universal Declaration of Human Rights.

At the national level, the Plan provides for the establishment, on the initiative of Governments or other relevant institutions, of a national committee for human rights education, which should include a broad coalition of governmental and non-governmental actors and should be responsible for developing and implementing a comprehensive (in terms of outreach),

effective (in terms of educational strategies), and sustainable (over the long-term) national plan of action for human rights education, in coordination with regional and international organizations. The establishment (or the strengthening, if already in existence) of a publicly accessible national human rights resource and training centre for human rights education, in support of the work of the national committee should be also considered as a matter of priority.

In some countries this process is already at an advanced stage. The Philippines is a case in point: a National Plan of Action for human rights education was prepared by the Philippine Commission on Human Rights in pursuance of the proclamation of the Decade. The Plan includes clear objectives, target audiences (organized and unorganized elements of society), strategies (trainers' training, organization of networks, integration of human rights in all educational curricula, utilization of village-level officials to reach out at community level, promotional campaigns including artistic and cultural activities, development of monitoring and evaluation systems, etc.) and programmes, including the creation of a human rights training, documentation and research centre (the Human Rights Academy)[7]. The Government of Japan has informed the Office of the High Commissioner for Human Rights (OHCHR) of the establishment, in December 1995, of the Headquarters for the Promotion of Human Rights Education, chaired by the Prime Minister. A draft National Plan of Action for human rights education was announced in December 1996 and is currently being revised, taking into consideration the suggestions of non-governmental organizations and other interested partners. In France, a National Committee for Human Rights Education has been established jointly by the National Commission for UNESCO and the National Consultative Commission for Human Rights, and includes representatives from 11 relevant Ministries, namely Justice, Education, Defence, Foreign Affairs, Social Affairs, Interior, Culture, Youth, Humanitarian Action, etc. Also, a national centre for information on and training in human rights, publicly accessible and which was provided with a broad range of human rights documentation, was inaugurated in November 1996.

The OHCHR has also been informed of a variety of activities undertaken in the framework of the Decade in other countries, such as Algeria, Argentina, Croatia (whose Government requested technical assistance from the OHCHR in the drafting of the national plan for human rights education), Denmark, India, Italy, Norway, Romania and Tunisia. However, the majority of countries have not yet responded to this appeal on the part of the international community. The OHCHR is hopeful that the forthcoming 50th Anniversary of the Universal Declaration of Human Rights will give impetus to new initiatives within this framework, since national and local efforts, encouraged and supported by international organizations, are particularly crucial for the success of the Decade.

Several initiatives have been undertaken[8] in the context of the OHCHR's contribution to these efforts. For example, in January 1997, an expert meeting was convened in Geneva, in cooperation with UNESCO, to develop guidelines for national plans of action for human rights education. The guidelines include a set of principles for effective human rights education and comprise six steps: establishing a national committee; conducting a baseline study; setting priorities and identifying groups in need; developing the Plan; implementing the Plan; reviewing and revising the Plan. These guidelines will soon be made available to all Governments and other interested institutions and organizations.

Also, the OHCHR is strengthening its Technical Cooperation Programme in the Field of Human Rights, and in this framework is developing training materials for specific target groups, such as prison officers, primary and secondary school teachers, judges and lawyers, national and local NGOs, journalists, human rights monitors and parliamentarians. Moreover, the OHCHR is developing a database on existing programmes, materials and organizations for human rights education at the international, regional and national levels. Other specific projects are being undertaken in the framework of the preparations for commemorating the 50th Anniversary of the Universal Declaration of Human Rights (UDHR) and include the implementation of a joint project with UNESCO for the dissemination of the UDHR in schools, the compilation of a "shopping list" of ideas to commemorate the Anniversary, and the diffusion of about 200 available language versions of the UDHR.

These are only a few concrete examples of the contribution of the OHCHR towards the achievements of the Decade's goals. This work is being carried out through the development of partnerships, depending on the specific project concerned, with other institutions active in the area of human rights education: namely, UN specialized agencies (in particular UNESCO) and programmes, regional intergovernmental organizations, human rights institutes and non-governmental organizations. This collaborative spirit has allowed the OHCHR to partially overcome the problem of being confronted with a monumental task and only very limited human and financial resources

From the book of paintings by William Wilson Universal Declaration of Human Rights: a co-edition by UN Publications and Mango, available in UN bookstores

Article 26:
"(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
(3) Parents have a prior right to choose the kind of education that shall be given to their children"

with which to accomplish this task.

All organizations and individuals have a role to play in the Decade for Human Rights Education: for example, by organizing and participating in formal and non-formal human rights education programmes or by making public opinion and institutions more aware of the important common framework of the Decade. The OHCHR would welcome information on human rights education programmes and materials, and the establishment of a direct dialogue with all interested organizations (providing them, for instance, with specialized human rights publications and documents) in order to expand the network of the Decade's partners.

Indeed, the success of the Decade for Human Rights Education will require a stronger commitment to human rights education on the part of the international community and a strengthening of the partnership between governmental and non-governmental actors. It must be clear to everyone that long-term and vigilant human rights protection can only come from an informed, sustained domestic demand for human rights from the people - the subject of those very rights. Through its empowering role, human rights education can, therefore, provide the most crucial, enduring, and long-term contribution to preventing human rights abuses and the best investment for achieving a just, humane and peaceful society.

[1] Including Article 26 of the Universal Declaration of Human Rights and, in treaty law, Article 13 of the International Covenant on Economic, Social and Cultural Rights, Article 29 of the Convention on the Rights of the Child, Article 10 of the Convention on the Elimination of all Forms of Discrimination against Women, Article 7 of the Convention on the Elimination of all Forms of Racial Discrimination.

[2] See the Vienna Declaration and Programme of Action, Part I, paras. 33 to 34 and Part II, paras. 78 to 82.

[3] The final text of the Plan of Action is contained in UN Doc. A/51/506/Add.1, Appendix.

[4] The UN High Commissioner for Human Rights, who has been called by the General Assembly to coordinate the implementation of the Plan of Action for the Decade, has reported on activities undertaken in this framework at the international, regional and national levels to both the General Assembly[5] and the Commission on Human Rights (see, in particular, UN Doc. A/51/506 and E/CN.4/1997/46)[6].

[5] See UN Doc. A/50/698 and A/51/506 and its Add.1.

[6] See UN Doc. E/CN.4/1996/51 and E/CN.4/1997/46.

[7] In the elaboration of the Plan, and in view of its implementation, the Philippine Commission has entered into a number of formal agreements with other national partners for human rights education, to define in detail specific areas of responsibility. These partners include: the Department of Interior and Local Government, the Liga NG MGA Barangay (an organization of barangay captains or village chiefs), the Department of Justice, the Department of National Defense, the Department of Education, Culture and Sports, the Commission on Higher Education and Amnesty International/Philippine Section.

[8] To be able to carry out the activities envisaged in the Plan of Action in support of national capacities for human rights education, the OHCHR has developed a two-year project funded by contributions made by Governments to the Voluntary Fund for Technical Cooperation in the Field of Human Rights, administered by the OHCHR.

Elena Ippoliti

www.unhchr.ch

The United Nations Human Rights Website mantained by the Office of the High Commissioner for Human Rights

What is the United Nations doing to protect and promote human rights in the Great Lakes region or in the Middle East?

What does the United Nations human rights programme have to say against sale of children,child prostitution and child pornography? Can individuals who claim that their rights and freedoms have been violated call the State in question into account for its activities? Is there any specific international treaty dealing with the rights of migrant workers?

On 10 December 1996, Human Rights Day, the Office of the United Nations High Commissioner for Human Rights (OHCHR) opened a site on the Internet thereby making available, inter alia, the answers to these questions to millions of Internet users.One year later, the Spanish and French versions of the website have been launched, its design has been enhanced and a local search engine has been installed making information more easy-to-access and user-friendly.

The opening of the United Nations Human Rights website was an important milestone in the continuing efforts of the organization to achieve two of its major long-term objectives, namely human rights information and transparency. As stated in the Vienna Declaration and Programme of Action, "education on human rights and the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect of human rights with regard to all individuals". Transparency is essential to bringing the organization closer to the general public and to strengthening support for and trust in it.

The OHCHR has been aware, from the start, of the language and technical barriers likely to undermine the importance of the website as a worldwide human rights information tool. The launching of the French and Spanish versions of the website on 10 December 1997, despite significant financial constraints will, hopefully, contribute to overcoming some of these difficulties and broaden our audience and impact. The future development of a database for United Nations human rights documents will provide the opportunity for completing these two versions, while assuring their maintenance.

In the light of technical limitations and guided by our objectives, the decision was taken to prioritize content over design in order not to lose access by less powerful computers. Pictures and graphics which would have slowed down access to information were therefore excluded.

The projected reproduction of the website in a CD-ROM will make it available to partners in countries which do not have Internet access or in which communication costs are so high that Internet access is, in practical terms, non-existent.

www.unhchr.ch, the United Nations High Commissioner for Human Rights site, is meant to be the most complete source of information available on the Internet concerning United Nations action in the field of human rights. The site provides practical information, including calendars and agendas of main United Nations human rights meetings. Access to human rights press releases from the United Nations Department of Public Information guarantees updated information on the latest activities (meetings, missions, for example) and decisions of the Organization in this field.

The best example of the active and practical character of the UNHCHR website so far has been the fifty-third session of the United Nations Commission on Human Rights, held in Geneva from 10 March to 18 April 1997. For the first time in its history, a session of the Commission on Human Rights could be followed on the Internet. The site not only gave access to the Commission's reports and resolutions, but also provided daily information such as the agenda of each day's meetings, press releases and statements of dignitaries.

A local search engine, a site map and a subject index facilitate access to information and make the site more user-friendly. While the local search engine is a helpful tool for those looking for information on a spe-

cific issue, the site map and subject index will prove particularly useful for those visitors less familiar with United Nations activities in the field of human rights. The subject index and the site map are an additional means of access for viewers to information on as broad a range of topics as indigenous peoples, the right to development, adequate housing, juvenile justice, slavery or terrorism, issues dealt with by the United Nations under its human rights programme.

The site provides the text of all official United Nations reports and resolutions relevant to human rights issued from 1996, as well as most of those issued in 1994 and 1995.These documents are listed under the **United Nations Human Rights Documents** menu, where they are categorized by type (resolution, report), body (General Assembly, Commission on Human Rights...), year and symbol number, but most can also be retrieved by subject from the various substantial menus under the **United Nations Human Rights Programme.**

A chart of the different organs and bodies dealing with human rights within the the United Nations and their interdependence is provided under **Organizational structure**.The chart also functions as a menu providing access to relevant information on each of these bodies.

The menu on International Human Rights Instruments is a particularly important feature enabling visitors access to the most relevant texts of international law in the field of human rights. The menu contains over 90 international human rights treaties, declarations and principles,including, where available, the status of ratifications.

Under the **United Nations Human Rights Programme,**viewers will find a comprehensive presentation of the wide range of activities undertaken by the Organization in this area. In response to the question posed at the beginning of this article, it is correct to state that, in specific circumstances, individuals who claim that their rights and freedoms have been violated may call the State in question to account. Complete information on those complaints procedures can be found under the sub-menu **Communications/complaints procedures.** The sub-menus on **United Nations field presences and technical cooperation** will introduce viewers to the United Nations human rights activities in the field. These sub-menus include in some cases such detailed information as human rights country status reports from the field or the budget of a specific technical cooperation project.

Information on the committees established to monitor the principal international human rights treaties, such as the Human Rights Committee or the Committee on the Rights of the Child is made available under the **Conventional mechanisms** sub-menu. In addition to schedules and agendas of meetings, this sub-menu provides a link with the **Treaty Bodies Database**, made public for the first time through this site. The database is a full-text retrieval system, containing, inter alia, the reports submitted to the committees by states and the subsequent concluding observations of the Treaty Bodies.

The Commission on Human Rights has established a number of mechanisms to examine, monitor and publicly report on human rights situations in specific countries or territories **(Country mechanisms)** or on major phenomena of human rights violations worldwide **(thematic mechanisms)**. All information regarding these mechanisms is to be found under the **Extra-conventional mechanisms** sub-menu. By surfing through the sub-menu, visitors will have access, for example, to the most recent report of the Special Rapporteur on the Sale of Children, child prostitution and child pornography; the latest resolution of the Commission on Human Rights on Violence against Women, or the list of missions of the Special Rapporteur on the human rights situation in the Democratic Republic of the Congo (former Zaire).

Other main menus introduce visitors to the **United Nations International Decades/Years**, **Conferences** and **Publications** in the field of human rights.

The Homepage of the High Commissioner for Human Rights site which is updated on a daily basis, immediately focuses the attention of visitors on the most relevant human rights events currently taking place. In 1998, the commemoration of the 50th Anniversary of the Universal Declaration of Human Rights will be given special prominence in our Homepage. By providing information on the main events organized in this context,giving ideas and facilitating contacts, the Office of the United Nations High Commissioner for Human Rights hopes to act as a catalyst. As part of the commemorative activities, the OHCHR is publishing in the website its collection of currently more than 200 language versions of the Universal Declaration. Malagasy (Madagascar), Aguaruna (Peru), Tagalog (The Philippines) and Breton (France) are merely a few examples of the 60 language versions that can already be read and printed from the website.

Teresa Albero and Bat-Erdene Ayuush

Since its opening, the United Nations Human Rights website has been visited by people from 123 countries worldwide. From 1 August to 31 October 1997, the website has had an average of approximately 3000 user sessions per week; each session lasts 17 minutes on average.

These numbers prove the success of the project, encourage us to meet expectations and reinforce our commitment to work for its continuing maintenance, improvement and updating. In the context of this continuing commitment, your comments and/or suggestions play a pivotal role.

The special E-mail address:

webadmin.hchr@unog.ch

which appears at the bottom of all our site menus has been created for this purpose.

www.unhchr.ch

Selon nos dernières statistiques notre site en anglais a été visité par 3000 utilisateurs par semaine de 123 pays différents. La durée moyenne des sessions a été de 17 minutes.

Ces indications démontrent le succès du projet et nous encouragent à renforcer notre engagement, et à accentuer nos efforts pour son amélioration et sa mise à jour.

Vos commentaires et suggestions jouent un rôle important. Dans ce but, nous avons crée spécialement une adresse électronique:

webadmin.hchr@unog.ch

où nous attendons vos remarques.

Calendar / Calendrier*

January - March 1998 / janvier - mars 1998

* In Geneva unless otherwise specified / à Genève sauf contre-indication

Committee on the Rights of the Child	5-23 Jan./jan.	Comité des droits de l'enfant
Working Group on a Draft Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	19-30 Jan./jan.	Groupe de travail chargé d'élaborer un projet de protocole facultatif à la Convention relative aux droits de l'enfant, concernant la vente d'enfants, la prostitution des enfants et la pornographie impliquant des enfants
Working Group on a Draft Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts	2-13 Feb./fév.	Groupe de travail chargé d'élaborer un projet de protocole facultatif à la Convention relative aux droits de l'enfant, concernant la participation des enfants aux conflits armés
Open-ended Working Group on structural adjustment programmes and economic, social and cultural rights	16-20 Feb./fév.	Groupe de travail à composition non limitée sur les effets des politiques d'ajustement structurel sur la jouissance effective des droits de l'homme
Working Group on the Human Rights of Migrants	16-20 Feb./fév.	Groupe de travail sur les migrants et les droits de l'homme
Working Group on drafting a Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to promote and protect universally recognized human rights and fundamental freedoms	23 Feb./fév. - 30 Mar./mar.	Question d'un projet de déclaration sur le droit et la responsabilité des individus, groupes et organes de la société de promouvoir et de protéger les droits de l'homme et les libertés fondamentales universellement reconnus
Special Committee to Investigate Israeli Practices affecting the Palestinian People and Other Arabs of the Occupied Territories	Feb./fév.	Comité spécial chargé d'enquêter sur les pratiques israéliennes affectant les droits de l'homme du peuple palestinien et des autres Arabes des territoires occupés
Committee on the Elimination of Racial Discrimination	2-20 Mar./mar.	Comité pour l'élimination de la discrimination raciale
Working Group on Situations	9-13 Mar./mar.	Groupe de travail sur les situations
Commission on Human Rights	16 Mar./mar.- 24 Apr./avr.	Commission des droits de l'homme
Board of Trustees of the Voluntary Fund on Contemporary Forms of Slavery	16-18 Mar./mar.	Conseil d'administration du fonds de contributions des Nations Unies sur les formes contemporaines d'esclavage
Human Rights Committee - New York	23 Mar./mar. - 9 Apr./avr.	Comité des droits de l'homme - New York
Advisory Group of the UN Trust Fund for the International Decade of the World's Indigenous People	25-27 Mar./mar.	Groupe de conseil du fonds d'affectation spéciale pour la décennie internationale des populations autochtones

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